

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U S DISTRICT COURT E.D.N.Y.

★ SEP 21 2011 ★

IFETA DZIDZOVIC,
individually and on behalf of a class,

LONG ISLAND OFFICE

Plaintiff,

CV-11 4576

vs.

FMA ALLIANCE, LTD.

Defendant.

IRIZARRY, J.
REYES, JR, M.
SUMMONS ISSUED

COMPLAINT - CLASS ACTION

INTRODUCTION

1. Plaintiff brings this action to secure redress against unlawful credit and collection practices engaged by defendant FMA ALLIANCE, LTD. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1337 and 15 U.S.C. §1692k (FDCPA).
3. Venue and personal jurisdiction over defendant in this District is proper because defendant's collection activities impacted plaintiff here and because defendant transacts business here.

PARTIES

4. Plaintiff Ifeta Dzidzovic is an individual who resides in Queens, New York.
5. Defendant FMA Alliance, Ltd. is a Texas Limited Partnership. Its Registered Agent is the CT Corporation System, 111 Eighth Avenue, New York, New York 10011.

FACTS

6. On or about August 13, 2011, plaintiff was mailed the letter attached as Exhibit A and on or about August 17, 2011 plaintiff was mailed Exhibit B. Plaintiff received them in the ordinary course of mail.

7. Exhibit A sought to collect a debt incurred for personal, family or household use and not for business purposes but failed to recite that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.

8. Exhibit B sought to collect a debt incurred for personal, family or household use and not for business purposes.

9. Exhibit A and Exhibit B are, on information and belief, form letters.

VIOLATIONS ALLEGED

10. Exhibit A violates 15 U.S.C. §§1692e, 1692e(10) and 1692e(11) by failing to disclose that defendant was attempting to collect a both debt and information in furtherance of debt collection by a debt collector.

CLASS ALLEGATIONS

11. Pursuant to Fed.R.Civ.P. 23(a), plaintiff brings this claim on behalf of a class.

12. The class consists of (a) all natural persons with addresses in New York (b) who were sent a letter as Exhibit A (c) seeking to collect a debt (d) on or after a date one year prior to the filing of this action and ending 20 days after the filing of this action.

13. The class is so numerous that joinder is impracticable.

14. On information and belief, there are more than 50 natural persons with addresses in New York City who were sent a letter similar to Exhibit A on or after a date one year prior to the filing of this action and ending 20 days after the filing of this action.

15. There are questions of law and fact common to the members of the class, which common questions predominate over any questions that affect only individual class members.

The predominant common questions are:

a. Whether consumers were notified that the August 13, 2011 letter emanated from a debt collector rather than an ordinary vendor of Discover Bank.

b. Whether the letter violates the FDCPA.

16. Plaintiff's claims is typical of the claims of the class members. All are based on the same factual and legal theories.

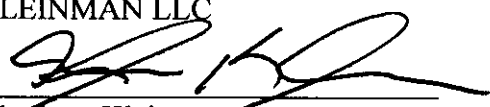
17. Plaintiff will fairly and adequately represent the interests of the class members. Plaintiff has retained counsel experienced in consumer credit and debt collection abuse cases.

18. A class action is superior to other alternative methods of adjudicating this dispute. Individual cases are not economically feasible. The nature of the wrong depends on the deception of the consumer, so it is unlikely to be detected or remedied without a class action.

WHEREFORE, plaintiff requests that the Court enter judgment in favor of plaintiff and the class and against defendant for:

- a. An Order Declaring Defendant's letter violates the FDCPA;
- b. Statutory damages;
- c. Attorney's fees, litigation expenses and costs of suit;
- d. Such other or further relief as the Court deems proper.

KLEINMAN LLC


Abraham Kleinman (AK-6300)
626 RXR Plaza
Uniondale, New York 11556-0626
Telephone (516) 522-2621
Facsimile (888) 522-1692

JURY DEMAND

Plaintiff hereby demands trial by jury.

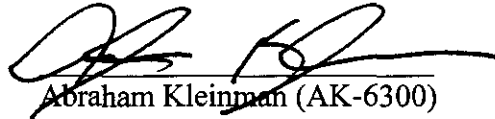

Abraham Kleinman (AK-6300)

Exhibit A

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Exhibit B

